

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

PETER J. H.,¹

Plaintiff,

v.

Civil Action No. 2:22cv487

**KILOLO KIJAKAZI,
Acting Commissioner of the
Social Security Administration,**

Defendant.

REMAND ORDER

This matter comes before the court on Plaintiff's Motion for Summary Judgment and Brief in Support. ECF Nos. 9, 10. Defendant, the Acting Commissioner of the Social Security Administration ("Commissioner"), filed a Cross-Motion for Summary Judgment and Memorandum in Support. ECF Nos. 11, 12. Plaintiff's Reply Brief was filed on March 31, 2023, and Commissioner filed its Sur-Reply on April 6, 2023. ECF Nos. 13, 17.

On January 23, 2023, this matter was referred to United States Magistrate Judge Robert J. Krask, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B)-(C) and Rule 72(b) of the Federal Rules of Civil Procedure, to conduct necessary hearings, including

¹ In accordance with a committee recommendation of the Judicial Conference, plaintiff's last name has been redacted for privacy reasons. Comm. On Ct. Admin. & Case Mgmt. Jud. Conf. U.S., Privacy Concern Regarding Social Security and Immigration Opinions 3 (2018).

evidentiary hearings, and to submit to the undersigned district judge proposed findings of fact, if applicable, and recommendations for the disposition of the matter. ECF No. 7.

The United States Magistrate Judge's Report and Recommendation ("R&R") was filed on August 14, 2023. ECF No. 18. The R&R recommends that Plaintiff's Motion for Summary Judgment be granted, the Commissioner's Motion for Summary Judgment be denied, and this case be remanded to the Commissioner for further proceedings.

By copy of the R&R, the parties were advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen (14) days of the date of service of the R&R to the objecting party. See id. at 29-30. No objections were filed by either party, and the time for filing objections has expired.


The court, having reviewed the record in its entirety, does hereby **ADOPT AND APPROVE IN FULL** the findings and recommendations² set forth in the Magistrate Judge's thorough and well-reasoned R&R, filed on August 14, 2023. ECF No. 18. Accordingly, Plaintiff's Motion for Summary Judgment is **GRANTED**; the

² As no objections to the Report and Recommendation were filed, this court "must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

Commissioner's Motion for Summary Judgment is **DENIED**; the final decision of the Commissioner is **VACATED**; and this case is hereby **REMANDED** to the Commissioner for further proceedings consistent with the Magistrate's R&R filed August 14, 2023. Accordingly, this case is **DISMISSED** and closed on this court's docket.

The Clerk is **DIRECTED** to send a copy of this Remand Order to counsel for all parties and to effect the Remand.

IT IS SO ORDERED.

/s/ 
Rebecca Beach Smith
Senior United States District Judge

REBECCA BEACH SMITH
SENIOR UNITED STATES DISTRICT JUDGE

September 13, 2023